

**PROPOSITION 308**  
**[SCR 1044 - 2021]**

**tuition; postsecondary education**

**ANALYSIS BY LEGISLATIVE COUNCIL**

**Legislative Council Staff Draft**

1           In 2006, the voters approved a measure that prohibits a person who is not a United States  
2 citizen or legal resident and who does not otherwise possess lawful immigration status in this  
3 country from being classified as an in-state student or county resident for community college or  
4 state university tuition purposes. The 2006 measure also provided that a state university or  
5 community college student who is not a United States citizen and who does not otherwise possess  
6 lawful immigration status in this country is not entitled to waivers, grants or any other financial  
7 assistance paid in whole or part with state monies. If approved by the voters, Proposition 308  
8 would repeal these provisions and the related reporting requirements.

9           Proposition 308 would specifically provide that a student (other than a nonimmigrant alien  
10 temporarily admitted to the United States for a specific purpose as described in federal law) who  
11 attended high school or the homeschool equivalent while physically present in this state for at least  
12 two years, and who graduated from high school or the homeschool equivalent while physically  
13 present in this state or obtained a high school equivalency diploma in this state, is eligible for  
14 in-state tuition at any state university or community college, even if the student does not possess  
15 lawful immigration status.

16           Finally, current law requires an agency or political subdivision of this state that administers  
17 any "state or local public benefit" to require any person who applies for the state or local public  
18 benefit to submit documentation demonstrating lawful presence in the United States. Proposition  
19 308 would amend the law to exclude postsecondary education from the definition of "state or local  
20 public benefit".